

Remarks/Arguments

Status of Claims

Claims 1-71 and 79-83 are pending.

Claims 23-29 and 57-59 stand withdrawn.

Claims 1-22, 30-56, 60-71 and 79-83 stand rejected.

Claims 10, 47 and 49 have been amended, without prejudice or disclaimer.

Claim Amendments

Claim 10 has been amended to replace "view" with --viewer-- in line 2.

Claim 47 has been amended to replace "view" with --viewer-- in line 2.

Claim 49 has been amended to replace "view" with --viewer-- in line 2.

These amendments correct typographical errors in the claims. The correct wording, "intended viewer" is found, for example, in original claim 20, line 2.

Rejection of Claims 1-22, 30-35, 36-41, 47, 50-51, 66, 67, 79 and 80-83 under 35 U.S.C. 103(a)

Claims 1-22, 30-35, 36-41, 47, 50-51, 66, 67, 79 and 80-83 stand rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,864,868 (Contois) in view of European Patent Publication No. 0564247 (Ubillos).

As to claim 1, the rejection is respectfully traversed for at least the reason that Contois fails to teach at least the limitations:

automatically selecting a plurality of said media elements in response to a request for media programming, and automatically selecting a temporal organization for said selected media elements, said temporal organization not being dictated by said selected information;

Contois teaches a system that permits the user to select *manually* each piece of music. For example, at col. 11, lines 33-36:

Another feature of the preferred embodiment regards the creation of a specialized list of music pieces to be played on the player piano. In operation, once a piece of music is selected, a user may activate the button labeled "Add to Song List," which is located at the bottom center of each screen. By using this button, a user can create their own personal record album or compact disk that contains only those songs that have been individually selected. Thereby, the player piano can be directed to play each song one after the other in sequence or in a random order.

Thus, in Contois, the songs are individually and manually selected by the user. The sequence may be random, but the selection of the songs is manual.

Contois even defines "selecting" as meaning manual selection. Contois states, at col. 9, lines 30-35:

It is pointed out that term of "selecting" means that a pointer or cursor, which is illustrated as a white arrow in FIG. 3 that is located on a song title, is placed over the desired item while the user usually clicks a mouse button once or twice. The pointer is also known as a selection means.

Thus, "selecting" in Contois means manually placing a pointer or cursor on a song title while the user clicks a mouse button.

With this understanding of the term "selecting," there is no doubt that the passage at col. 4, lines 46-49, cited in the Office Action, at page 3, lines 6-7, refers to automatic playing of manually-selected music pieces.

Ubillos similarly lacks any disclosure of at least the limitation:

automatically selecting a plurality of said media elements in response to a request for media programming, and automatically selecting a temporal organization for said selected media elements, said temporal organization not being dictated by said selected information;

Ubillos discloses manual selection of stored video clips in a temporal organization dictated by the user, as explained, for example, at col.3, lines 31-36:

The user instructs the computer to assemble a video program from the stored video clips (and optionally also stored audio clips and clips representing still image images or text) by arranging displayed clips and displayed special effect icons in a desired sequence along the time ruler.

Ubillos thus clearly requires manual selection of clips and manual arrangement of clips in a sequence.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-10 depend ultimately from allowable base claim 1, and are allowable at least by virtue of their dependence from an allowable base claim.

As further grounds for reconsideration and withdrawal of the rejection of claim 5, neither Contois nor Ubillos discloses tags associated with media elements, at least one of the tags being a content tag and at least one of the tags being a control tag containing other information. The Office Action cites to col. 8, line 57 to col. 9, line 9 of Ubillos, which merely relates to the user dragging thumbnails of selected clips to a construction window. This step of Ubillos relates to the manual arrangement by the user of clips into a video program, and not to tags associated with media elements.

As further grounds for reconsideration and withdrawal of the rejection of claim 6, neither Contois nor Ubillos discloses control tags containing transition information. In Ubillos, transitions may be applied to video clips by the user in the process of constructing a video. (see, e.g., col. 10, lines 49-53). This is a manual process in Ubillos. For example, Ubillos states, at col. 15, lines 8-10: "Microprocessor 31 is preferably programmed to enable a user to select a special effect transition icon..." Similarly, Ubillos states, at col. 16, line 58, to col. 17, line 3, "The user determines the type of the transition by dragging a selected icon from a special effects menu (which can be the menu described above with reference to Fig. 12) to area 80." Thus, Ubillos

makes clear that the user selects the transitions. There are no tags associated with media elements having transition information in Ubillos.

As further grounds for reconsideration and withdrawal of the rejection of claim 7, neither Contois nor Ubillos discloses control tags containing a luminance range for a portion of an audiovisual clip. The Office Action cites Ubillos at col. 7, lines 19-31, which indicates text for a video clip including size and clip duration, but does not mention luminance.

As further grounds for reconsideration and withdrawal of the rejection of claim 8, neither Contois nor Ubillos discloses deselecting elements based on information in control tags as part of an automatic selection process. The Office Action cites to Contois, col. 11, lines 54-67 and col. 12, lines 1-36. Contois discloses manual selection and deselection of music pieces from playlists, such as by using a "Delete Song" button (col. 11, lines 56-58). Use of control tags, as recited in claim 8, relates to automatic selection and deselection of media elements. Ubillos similarly, as discussed above, discloses manual selection of video clips.

As further grounds for reconsideration and withdrawal of the rejection of claim 9, neither Contois nor Ubillos disclose selecting transitions based on transition information associated with each of the elements and transition rules. Contrary to the Office Action, Contois does not disclose transitions at all. Contois merely discloses playlists, and nowhere discloses transitions between adjacent music pieces. Ubillos discloses manual selection of transitions, as described, for example, at col. 10, lines 49-53. There is no reference to transition information associated with each of the elements and transition rules in Ubillos.

As further grounds for reconsideration and withdrawal of the rejection of claim 10, neither Contois nor Ubillos discloses using demographic information in automatic selection of media elements. Neither of those references discloses demographic information or automatic selection of media elements.

Claim 11 is an independent claim. For substantially the reasons discussed above with reference to claim 1, Contois and Ubillos, either alone or in combination, fail to teach at least the limitation:

selection means including a processor for automatically selecting a plurality of said media assets in response to a request for media programming, and for automatically selecting a temporal organization for said selected media assets, said temporal organization not being dictated by said selected information;

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 11 is respectfully requested.

Claims 12-22 depend ultimately from allowable base claim 11, and are allowable at least by virtue of their dependence from an allowable base claim.

Claim 15 is similar to claim 5, and is allowable at least both by virtue of its dependence from allowable base claim 11 and the reasons set forth above for withdrawal of the rejection of claim 5.

As further grounds for reconsideration and withdrawal of the rejection of claim 16, neither Contois nor Ubillos teaches control tags containing information indicating permitted transition points in an audiovisual clip. Contois does not teach transitions. Ubillos does not teach permitted transition points.

Claim 17 is similar to claim 7, and is allowable at least both by virtue of its dependence from allowable base claim 11 and the reasons set forth above for withdrawal of the rejection of claim 7.

Claim 18 is similar to claim 8, and is allowable at least both by virtue of its dependence from allowable base claim 11 and the reasons set forth above for withdrawal of the rejection of claim 8.

Claim 19 is similar to claim 9, and is allowable at least both by virtue of its dependence from allowable base claim 11 and the reasons set forth above for withdrawal of the rejection of claim 9.

Claim 20 is similar to claim 10, and is allowable at least both by virtue of its dependence from allowable base claim 11 and the reasons set forth above for withdrawal of the rejection of claim 10.

As further grounds for reconsideration and withdrawal of the rejection of claim 22, neither Contois nor Ubillos discloses selection means that prevents a user from selecting or ordering said media elements. To the contrary, the user of Contois selects music pieces to create playlists; the user of Ubillos selects video clips to create an edited video program.

The rejection of independent claim 30 is respectfully traversed.

For substantially the reasons set forth above with respect to claim 1, neither Contois nor Ubillos teaches at least the limitation:

automatically selecting from a database containing information concerning said media elements a plurality of said media elements and automatically designating a temporal sequence for said selected media elements;

For at least this reason, reconsideration and withdrawal of the rejection of claim 30 is respectfully requested.

As further independent and sufficient grounds for withdrawal of the rejection of claim 30, neither Contois nor Ubillos discloses the limitation:

automatically selecting transitions for each of said media elements to create a file of element identifiers and transition information for creation of media programming

Contois does not teach transitions at all. Ubillos teaches manually selected transitions, as discussed above in connection with claim 6.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 30 is respectfully requested.

Claim 31 depends from allowable base claim 30, and is allowable at least by virtue of its dependence from this allowable base claim.

Claim 32 depends from allowable base claim 30, and is allowable at least by virtue of its dependence from this allowable base claim. In addition, reconsideration and withdrawal of the rejection of claim 32 is respectfully requested on the grounds that neither Contois nor Ubillos teaches “wherein said transitions are selected based on information relating to permitted transitions associated with each of said elements.” Contois, as noted above, does not teach transitions at all. Ubillos does not teach information relating to permitted transitions associated with elements.

Claim 33 depends from allowable base claim 30, and is allowable at least by virtue of its dependence from this allowable base claim.

Claim 34 depends from allowable base claim 30, and is allowable at least by virtue of its dependence from this allowable base claim. In addition, reconsideration and withdrawal of the rejection of claim 34 is respectfully requested on the grounds that neither Contois nor Ubillos teaches “said information comprises a range of permitted transition points at the beginning and end of a plurality of said elements.” Contois, as noted above, does not teach transitions at all. Ubillos does not teach information relating to permitted transition points of elements.

Claim 35 depends from claim 34, and is allowable at least by virtue of its dependence from allowable base claims 30 and 34. In addition, reconsideration and withdrawal of the rejection of claim 35 is respectfully requested on the grounds that neither Contois nor Ubillos teaches “said information comprises an earliest permitted transition point, a default transition point, and a latest permitted transition point.”

Contois, as noted above, does not teach transitions at all. Ubillos does not teach information relating to earliest, default and latest permitted transition points of elements.

Claim 36 is an independent claim. For substantially the reasons discussed above with reference to claim 30, Contois and Ubillos, either alone or in combination, fail to teach at least the limitation:

means including a processor for automatically selecting from a database containing information concerning said media elements a plurality of said media elements and automatically designating a temporal sequence for said selected media elements

or the limitation:

means including a processor for automatically selecting transitions for each of said media elements.

Accordingly, reconsideration and withdrawal of the rejection of claim 36 is respectfully requested.

Claim 37 depends from allowable base claim 36, and is allowable at least by virtue of its dependence from this allowable base claim.

Claim 38 is similar to claim 32, and is allowable at least both by virtue of its dependence from allowable base claim 36 and the reasons set forth above for withdrawal of the rejection of claim 32.

Claim 39 depends from allowable base claim 36, and is allowable at least by virtue of its dependence from this allowable base claim.

Claim 40 is similar to claim 34, and is allowable at least both by virtue of its dependence from allowable base claim 36 and the reasons set forth above for withdrawal of the rejection of claim 34.

Claim 41 depends from claim 40, and is similar to claim 35. Claim 41 is allowable at least by virtue of its dependence from allowable base claims 36 and 40, and the reasons set forth above for withdrawal of the rejection of claim 35.

Claim 47 depends from claim 1, and is allowable at least by virtue of its dependence from an allowable base claim. In addition, reconsideration and withdrawal of the rejection of claim 47 is respectfully requested on the grounds that neither Contois nor Ubillos teaches "obtaining desired content information concerning an intended viewer of the programming," or "employing said desired content information in said step of selecting." Contois does not teach anything relating to an intended viewer. As noted above, Contois teaches manual selection, and thus cannot teach automatic selection employing said desired content information. Although the Office Action cites col. 4, lines 39-67 as teaching these limitations, careful review of this passage of Contois does not reveal these limitations. Ubillos fails to teach these limitations; by way of example, Ubillos, as noted above, does not teach automatic selection at all.

Claims 50 and 51 are allowable at least by virtue of their dependence from allowable base claim 11. In addition, reconsideration and withdrawal of the rejections of claim 50 and 51 is respectfully requested on the grounds that neither Contois nor Ubillos teaches deriving said selected information from said media assets, as to claim 50, or automatically deriving said selected information from said media assets (as to claim 51. In Contois, the database appears to be pre-populated, see, e.g., col. 9, lines 53-61, which lists the four categories of data that may be accessed from the player piano data base. In Ubillos, no process of deriving selected information from the media assets for use in selecting assets is disclosed.

Claim 66 is allowable at least by virtue of its dependence from allowable base claim 1.

Claim 67 is allowable at least by virtue of its dependence from allowable base claim 1. In addition, reconsideration and withdrawal of the rejection of claim 67 is respectfully requested on the grounds that neither Contois nor Ubillos teaches “obtaining psychographic information concerning an intended view of the programming prior to said step of selecting, and employing said psychographic information in said step of selecting.” Contois, as noted above with reference to claim 1, teaches manual selecting, and accordingly does not teach using psychographic information in the step of selecting. Ubillos similarly teaches user selection of video clips, as explained above with reference to claim 1. Although the Office Action cites col. 4, lines 39-67 as teaching these limitations, careful review of this passage of Contois does not reveal these limitations.

The rejection of claim 79 is respectfully traversed. The Office Action fails to cite to a location in the references that constitutes at least the steps of “determining a set of attribute values for each of said media elements” and “automatically assembling said first media element into a media program.” Neither Contois nor Ubillos determines a set of attribute values for each media element in a database. Moreover, neither Contois nor Ubillos automatically assembles a selected media element with a first attribute value into a media program. Ubillos requires each video clip to be selected and placed in order by a user, as explained above with reference to claim 1. As conceded in the Office Action, Contois does not teach assembling media elements into media programming.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 79 is respectfully requested.

The rejection of claim 80 is respectfully traversed. Neither Contois nor Ubillos teaches either of the steps of “selecting a first possible media item automatically from said plurality of possible media items” and “integrating said first possible media item into a media program automatically.” As explained above with reference to claim 1, Contois requires each music piece to be manually selected, and Ubillos requires each video clip

to be manually selected. Ubillos provides for manual integration of video clips into an edited video program. As conceded in the Office Action, Contois does not teach assembling media elements into media programming.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of claim 80 is respectfully requested.

Claim 81 is allowable at least by virtue of its dependence from allowable base claim 80. As further grounds for reconsideration and withdrawal of the rejection of claim 81, neither Contois nor Ubillos teaches at least "collecting an information item related to said user; and selecting said attribute parameter using said information item." In Contois, the user selects music pieces; no information item related to a user is collected or used. In Ubillos, the user selects and orders video clips; no information item related to a user is collected or used.

Rejection of Claims 42-46, 48, 49, 52-56, 60-65 and 68-71 under 35 U.S.C. 103(a)

Claims 42-46, 48, 49, 52-56, 60-65 and 68-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Contois in view of Ubillos and further in view of U.S. Patent No. 5,966,121 issued to John Hubbell et al ("Hubbell").

Claims 42-46 depend from allowable base claims 1 and 6, and are allowable at least by virtue of their dependence from allowable base claims.

Claim 48 depends from allowable base claims 1 and 6, and is allowable at least by virtue of its dependence from allowable base claims. As further grounds for reconsideration and withdrawal of the rejection of claim 48, Hubbell, contrary to the Office Action, fails to disclose a modification parameter used to modify a transition. The cited portion of Hubbell, col. 9, lines 17-25, merely describes transitions in general and their application to hypervideo controls.

Claim 49 depends from allowable base claim 1, and is allowable at least by virtue of its dependence from an allowable base claim. As further grounds for reconsideration and withdrawal of the rejection of claim 49, Hubbell, contrary to the Office Action, fails to disclose obtaining desired style information concerning a viewer and employing the style information in the step of automatic selecting. Hubbell does not disclose automatic selection of media elements at all. The portion of Hubbell cited in the Office Action, col. 4, line 66 to col. 5, line 8, merely constitutes a definition of hypervideo editor, and does not teach employing style information concerning a viewer in automatic selecting of media elements.

Claims 52-56 depend from allowable base claims 11 and 16, and are allowable at least by virtue of their dependence from allowable base claims.

Claims 60-62 depend from allowable base claim 30, and are allowable at least by virtue of their dependence from allowable base claims.

Claims 63-65 depend from allowable base claim 36, and are allowable at least by virtue of their dependence from allowable base claims.

Claim 68 depends from allowable base claim 1, and is allowable at least by virtue of its dependence from an allowable base claim. As further grounds for reconsideration and withdrawal of the rejection of claim 68, Hubbell, contrary to the Office Action, fails to disclose filtering a first media element out of consideration for inclusion in media programming where the filtering is performed by a moderation layer. The portion of Hubbell cited in the Office Action, col. 5, lines 17-25, is a definition of a "ruler," which is a region of a display interface which indicates the state of a hypervideo document.

Claims 69-70 depend from allowable base claims 1 and 5, and are allowable at least by virtue of its dependence from allowable base claims.

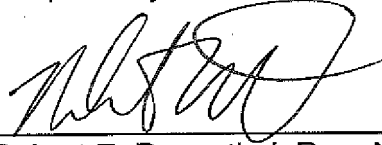
Claim 71 depends from allowable base claims 1 and 5, and is allowable at least by virtue of its dependence from allowable base claims. As further grounds for reconsideration and withdrawal of the rejection of claim 71, Hubbell, contrary to the Office Action, fails to disclose a reusability tag. A reusability tag has information relating to the number of times, if any, a media element may be reused in media programming. Hubbell fails to mention such a tag.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,



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Date: September 24, 2009